

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOHN PAMPLIN,

4 Plaintiff,

3:20-CV-0043-MMD-CLB

5 v.

ORDER

6 R. BAKER, et al.,

7 Defendants.
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9 Before the court is defendants' motion for an extension of time to file an answer to
10 plaintiff's complaint (ECF No. 18). Defendants admit in their motion that their answer was
11 due on January 29, 2021, and the motion for an extension of time was filed 77 days after
12 the deadline. (*Id.*)

13 Requests for extension of time are to be filed prior to the expiration of the deadline.
14 Fed. R. Civ. P. 6(b)(1)(A). A request made after the expiration of the specified period will
15 not be granted unless the movant or attorney demonstrates that the failure to file the motion
16 before the deadline expired was the result of excusable neglect. Fed. R. Civ. P. 6(b)(1)(B);
17 LR IA 6-1(a). In this case, the current deputy attorney general assigned to this case began
18 her employment with the Office of the Attorney General on March 1, 2021 and was gradually
19 assigned cases. Defense counsel was informed of the missed deadline in this case on April
20 14, 2021 and filed this motion together with the answer on April 16, 2021. In this instance,
21 the court will accept defendants' failure to timely file an answer as excusable neglect.

22 In addition, plaintiff did not oppose defendants' motion. The failure of an opposing
23 party to file points and authorities in response to any motion . . . constitutes a consent to the
24 granting of the motion. LR 7-2(d).
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1 Therefore, defendants' motion for an extension of time to file an answer (ECF No. 18)
2 is **GRANTED**. Defendants' answer (ECF No. 17) shall be considered timely filed.

3 **DATED:** May 3, 2021

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6 UNITED STATES MAGISTRATE JUDGE
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